

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**

TAMMY JOHNSON as Informal Personal Representative of the Estate of HYRUM S. JOHNSON, Deceased,)	8:05CV373
)	
)	
Plaintiff,)	ORDER
)	
v.)	
)	
UNION PACIFIC RAILROAD COMPANY, a Delaware Corporation,)	
)	
Defendant.)	

Tammy Johnson, as Informal Personal Representative of the Estate of Hyrum S. Johnson, Deceased, filed a Petition for Distribution on November 2, 2007, and a hearing was held on December 20, 2007 to determine the distribution of the settlement. Immediately prior to the hearing, the Court considered specific recommendations of the various adult children in this case. At the hearing, the Court considered oral arguments from counsel for Tammy Johnson, as an individual (Charles Carlston) and heard a foundational presentation from Counsel Ronald J. Barczak, on behalf of Tammy Johnson as the Informal Representative of the Estate of Hyrum S. Johnson, Deceased. The Court, being fully advised, approves the settlement Petition and apportions the settlement funds as follows:

Based upon the pleadings, the complete court file, and the proceedings conducted herein, IT IS ORDERED:

- (1) That the settlement for the above-entitled matter is approved;
- (2) That \$80,000.00 be paid to satisfy the loans, attorney's fees and costs;
- (3) That the remaining \$75,000.00 be distributed as follows:
 - A. Tammy Johnson as an individual, \$32,500;
 - B. Joel Johnson (a minor), \$25,000 in trust or structure (less the reasonable costs of fees for the founding of the trust or structure) for the sole benefit of Joel Johnson (a minor). This trust or structure will be established for the minor child. The Court requires a guardianship or other comparable documents be established for payment of the trust or structure at least until such time as Joel Johnson reaches Montana's age of majority.
 - C. \$17,500 divided equally to the adult children:

1. Elisabeth Johnson-Hanks \$2,500
2. Rachel Garcia \$2,500
The payout of such funds will be held in Yaeger, Jungbauer & Barczak's trust account until such time as Rachel Garcia can claim it, however, if not claimed by December 31, 2008, Yaeger, Jungbauer & Barczak will look to the Court for direction.
3. Hyrum Johnson IV \$2,500
4. Susan Schumacher \$2,500
5. Teresa Jolley \$2,500
6. Maren Goodman \$2,500
7. William David Johnson \$2,500

Dated: January 3, 2008.

BY THE COURT

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge

APPROVED AS TO FORM BY:

Charles Carlston
315 W Meadowlark Drive
Alpine, UT 84004